TITLE 327 WATER POLLUTION CONTROL BOARD

LSA Document #99-263 (F)

DIGEST

Adds 327 IAC 2-11 to establish ground water quality standards in response to the requirements of the Ground Water Protection Act of 1989 (IC 13-18-17-5) that requires the water pollution control board to adopt rules under IC 4-22-2 concerning ground water quality standards. Repeals 327 IAC 2-1-7 and 327 IAC 2-1.5-9. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: July 1, 1994, Indiana Register (17 IR 2467) and October 1, 1997, Indiana Register (21 IR 260).

Second Notice of Comment Period and Notice of First Hearing: April 1, 1999, Indiana Register (22 IR 2350).

Rescheduled Notice of First Hearing: June 1, 1999, Indiana Register (22 IR 2894).

Rescheduled Notice of First Hearing: August 1, 1999, Indiana Register (22 IR 3499).

Rescheduled Notice of First Hearing: September 1, 1999, Indiana Register (22 IR 3944).

Date of First Hearing: October 13, 1999.

Third Notice of Comment Period: January 1, 2000, Indiana Register (23 IR 848).

Continuation of Comment Period: March 1, 2000, Indiana Register (23 IR 1419).

Notice of Second Hearing: May 1, 2000, Indiana Register (23 IR 2017).

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Notice of Third Hearing: June 1, 2001, Indiana Register (24 IR 2723).

Date of Third Hearing: June 13, 2001.

Notice of Fourth Hearing: August 1, 2001, Indiana Register (24 IR 3658).

Date of Fourth Hearing: August 8, 2001.

Date of Final Adoption: August 8, 2001.

327 IAC 2-1-7
327 IAC 2-1.5-9
327 IAC 2-11

SECTION 1. 327 IAC 2-11 IS ADDED TO READ AS FOLLOWS:

Rule 11. Ground Water Quality Standards

327 IAC 2-11-1 Goal

Authority: IC 13-18-3-1; IC 13-18-4-1; IC 13-18-4-3; IC 13-18-4-4; IC 13-18-4-5; IC 13-18-17-5

Affected: IC 13-18-4; IC 13-18-17

Sec. 1. The goal of this rule is to maintain and protect the quality of Indiana's ground water and ensure that exposure to the ground water will not pose a threat to human health, any natural resource, or the environment. *(Water Pollution Control Board; 327 IAC 2-11-1)*

327 IAC 2-11-2 Applicability

Authority: IC 13-18-3-1; IC 13-18-4-1; IC 13-18-4-3; IC 13-18-4-4; IC 13-18-4-5; IC 13-18-17-5

Affected: IC 4-22-2; IC 13-18-4; IC 13-18-17; IC 13-25-5-8.5

Sec. 2. (a) The following agencies shall adopt rules under IC 4-22-2 to apply the standards established in this rule to the facilities, practices, and activities they regulate:

(1) The department of environmental management.

(2) The department of natural resources.

(3) The Indiana state department of health.

(4) The state chemist of the state of Indiana.

(5) The office of the state fire marshal.

(b) An agency shall use its regulatory authority when adopting rules to ensure the criteria established in sections 5, 6, 7, and 8 of this rule will not be exceeded in ground water at or beyond the boundary of a ground water management zone established according to section 9 of this rule. When adopting rules, an agency shall, to the extent consistent with its regulatory authority, ensure that facilities, practices, and activities are designed and managed to eliminate or minimize, to the extent feasible, potential adverse impacts to the existing ground water quality by applying preventative action levels, design standards, a monitoring framework, or other regulatory methods. An agency may consider technological and economic reasonableness and other appropriate factors in determining a feasible approach.

(c) The standards established in this rule shall not limit nor expand the authority of an agency.

(d) The standards established in this rule shall allow the following to be consistent with the remediation objectives set forth in IC 13-25-5-8.5:

(1) Ground water remediations conducted under:

(A) IC 13-22;

(B) IC 13-23; or

(C) IC 13-25-5.

(2) Ground water remediations that:

(A) are not emergency or non time-critical activities; and

(B) are conducted under:

(i) IC 13-24; or

(ii) IC 13-25-4.

(3) Ground water remediations conducted under any other provision of IC 13, as appropriate.

(e) No person shall cause the ground water in a drinking water supply well to have a contaminant concentration that creates one (1) or more of the following:

(1) An exceedance of the numeric criteria established for drinking water class ground water in Tables 6(a)1 and 6(a) 2 of this rule.
(2) A level sufficient to be acutely or chronically toxic, carcinogenic, mutagenic, teratogenic, or otherwise injurious to human health based on best scientific information.
(3) An exceedance of one (1) or more of the following indicator levels:
(A) Chloride at two hundred fifty (250) milligrams per liter.
(B) Sulfate at two hundred fifty (250) milligrams per liter.
(C) Total dissolved solids at five hundred (500) milligrams per liter.
(D) Total coliform bacteria at nondetect.
(4) Renders the well unuseable for normal domestic use.

(f) No person shall cause the ground water in a non-drinking water supply well, including an industrial, commercial, or agricultural supply well, to have a contaminant concentration that, based on best scientific information, renders the well unuseable for its current use.

(g) The criteria established in subsections (e) and (f) are immediately enforceable on the effective date of this rule under IC 13-30 to protect ground water quality in water supply wells.

(h) Except as provided in subsection (g), the criteria established in this rule shall not be enforceable under IC 13-30 until subsequent rules are adopted to apply the standards established in this rule pursuant to subsections (a) and (b). *(Water Pollution Control Board; 327 IAC 2-11-2)*

327 IAC 2-11-3 Definitions
Authority: IC 13-18-3-1; IC 13-18-4-1; IC 13-18-4-3; IC 13-18-4-4; IC 13-18-4-5; IC 13-18-17-5
Affected: IC 13-11-2-71; IC 13-18-4; IC 13-18-17; IC 14-34

Sec. 3. The following definitions apply throughout this rule:
(1) "Agency" means one (1) or more of the following:
(A) The department of environmental management.
(B) The department of natural resources.
(C) The Indiana state department of health.
(D) The state chemist of the state of Indiana.
(E) The office of the state fire marshal.
(2) "Commissioner" means the commissioner of the department of environmental management.
(3) "Contaminant" means any solid, semisolid, liquid, or gaseous matter, or any odor, radioactive material, pollutant (as defined by the federal Water Pollution Control Act (33 U.S.C. 1362(6)), as amended on December 16, 1996)*, hazardous waste (as defined in the federal Solid Waste Disposal Act (42 U.S.C. 6903(5)), as amended on March 26, 1996), any constituent of a hazardous waste, or any combination of the items described in this subdivision, from whatever source, that:**
(A) is injurious to human health, plant or animal life, or property;
(B) interferes unreasonably with the enjoyment of life or property; or

(C) otherwise violates:

(i) environmental management laws; or

(ii) rules adopted under environmental management laws.

(4) "Criterion" means a numeric value or a narrative statement established to maintain and protect the quality of ground water.

(5) "Drinking water well" means a bored, drilled, or driven shaft or a dug hole that meets the following:

(A) Supplies ground water for human consumption.

(B) Has a depth greater than its largest surface dimension.

(C) Is not permanently abandoned in accordance with 310 IAC 16-10-2.

(6) "Environmental management laws" has the meaning set forth in IC 13-11-2-71.

(7) "Ground water" means water located below the ground surface in interconnected voids and pore spaces in the zone of saturation.

(8) "Ground water management zone" means a three (3) dimensional region of ground water around a potential or existing contaminant source where a contaminant is or was managed to prevent or mitigate deterioration of ground water quality such that the criteria established in this rule are met at and beyond the boundary of the region.

(9) "Naturally occurring concentration" means a constituent concentration in ground water that is not attributable to human activity.

(10) "Preventative action level" means a measured concentration of a chemical constituent that is:

(A) established on a site-specific or program-specific basis;

(B) used to evaluate sample analysis data from ground water monitoring systems;

(C) statistically measurable using standard laboratory analyses; and

(D) used to determine if further action is necessary to ensure the standards established in this rule are not violated.

(11) "Property boundary" means the edge of a contiguous parcel of land owned or leased by a common owner or lessee. Contiguous land shall include land separated by a public right-of-way, if that land would otherwise be contiguous.

(12) "Standards", when used without qualification, means:

(A) the numeric and narrative criteria;

(B) the classification plan; and

(C) the method of determining where the criteria must apply;

established by this rule.

(13) "Surface water quality standards" means the water quality standards established in 327 IAC 2-1 and 327 IAC 2-1.5.

***33 U.S.C. 1362(6) is incorporated by reference. Copies of this publication may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or from the Indiana Department of Environmental Management, Office of Water Management, Indiana Government Center-North, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206.**

****42 U.S.C. 6903(5) is incorporated by reference. Copies of this publication may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or from the Indiana Department of Environmental Management,**

Office of Water Management, Indiana Government Center-North, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. *(Water Pollution Control Board; 327 IAC 2-11-3)*

327 IAC 2-11-4 Ground water classification plan

Authority: IC 13-18-3-1; IC 13-18-4-1; IC 13-18-4-3; IC 13-18-4-4; IC 13-18-4-5; IC 13-18-17-5

Affected: IC 13-11-2-82; IC 13-18-4; IC 13-18-17; IC 14-34-4-6; IC 14-34-4-7; IC 14-37

Sec. 4. (a) All ground water shall be classified, under rules adopted under IC 4-22-2 that apply the standards established in this rule, to determine the appropriate narrative and numeric criteria and level of protection to be applied to ground water.

(b) Ground water shall be classified as drinking water class ground water unless it is classified as:

(1) limited class ground water under subsection (c),(d),(e), or (f); or

(2) impaired drinking water class ground water under subsection (g) or (h).

(c) Ground water shall be limited if it is in accordance with one (1) of the following conditions:

(1) Contains hydrocarbons that are producible considering their quantity and location, as has been demonstrated to an agency.

(2) Located in the injection zone of or within the physical influence of a Class I, II, or III injection well operating under a valid underground injection control permit issued under the Safe Drinking Water Act (42 U.S.C. 300) and its implementing regulations.

(3) Located in a zone within the physical influence of a gas storage well operating under a valid permit issued under IC 14-37.

(d) Ground water shall be limited if it has constituent concentrations that are the result of natural processes acting on post mine hydrology and is located within one (1) of the following:

(1) A coal mine area that:

(A) has satisfied the requirements of IC 14-34 and is fully released from the performance bond required by IC 14-34-6; and

(B) is within a zone defined by the coal mine permit as it was formerly approved and regulated by the department of natural resources unless it is within a demonstrated zone of influence of a coal mine area as determined by the commissioner in consultation with the department of natural resources.

(2) The zone of influence, as determined by the commissioner in cooperation with the department of natural resources, of a coal mine area mined prior to August 4, 1977.

(e) Ground water shall be limited if it is located within an agricultural crop root zone. A limited classification under this subsection shall extend no deeper than ten (10) feet below the land surface.

(f) The commissioner may classify ground water as limited class ground water if a person requesting classification demonstrates, in a written submission, that the following conditions are met:

(1) The ground water requested to be classified is as follows:

(A) Described in three (3) dimensions.

(B) Limited in one (1) of the following ways:

(i) The potential ground water yield is less than two hundred (200) gallons per day.

(ii) The naturally occurring total dissolved solids concentration is greater than or equal to ten thousand (10,000) milligrams per liter.

(C) Not currently used nor reasonably expected to be used for drinking water in the future, including the combined use of multiple low yield water bearing zones.

(D) Not in a state-approved wellhead protection area established pursuant to 327 IAC 8-4.1.

(2) Notification, using certified mail, was given, at least forty-five (45) days prior to the submission of the request, to the following:

(A) An owner and, if one exists, a lessee of property within or adjacent to the land area above the ground water requested to be classified.

(B) Any person reasonably expected to be aggrieved or adversely affected by the classification.

(C) City and county health officers having jurisdiction within the land area above the ground water requested to be classified.

(g) Ground water is impaired drinking water when the following conditions are met:

(1) The ground water is not in a state-approved wellhead protection area established pursuant to 327 IAC 8-4.1.

(2) The ground water has one (1) or more contaminant concentrations above the numeric criteria established in section 6(a) or 6(d) of this rule.

(3) The commissioner has approved a ground water remediation, closure, cleanup, or corrective action plan that describes the nature and extent of contaminants exceeding the criteria established in section 6(a) or 6 (d), and one (1) of the following applies:

(A) A restrictive covenant has been placed on the property or properties overlying the ground water, and it prohibits the use of the untreated ground water.

(B) An alternate institutional control, such as a local ordinance, prohibits the use of the untreated ground water as a source of residential drinking water, and the commissioner has approved the alternate institutional control as an effective means of preventing exposure to the untreated ground water.

(h) The commissioner may classify ground water as impaired drinking water class ground water if it has one (1) or more contaminant concentrations above the numeric criteria established in section 6(a) or 6(d) of this rule and the person requesting classification demonstrates to the commissioner's satisfaction, in a written submission, that the following conditions are met:

(1) The ground water requested to be classified is as follows:

(A) Described, to the commissioner's satisfaction, in a hydrogeologic report that must, at a minimum, contain the following:

(i) A three (3) dimensional description of ground water flow and direction.

(ii) A description that includes the concentration of each contaminant that exceeds the criteria established in section 6(a) or 6(d) of this rule.

(iii) A map indicating the property or properties overlying the ground water requested to be classified.

(B) Not currently used nor reasonably expected to be used for drinking water in the future unless the following apply:

(i) The ground water is treated to reduce the contaminant concentration to less than the numeric criterion established in section 6(a) or 6(d) of this rule.

(ii) A mechanism is in place to prevent untreated ground water from being used as drinking water for as long as a contaminant concentration is above the numeric criterion established in section 6(a) or 6(d) of this rule.

(C) Not in a state-approved wellhead protection area established pursuant to 327 IAC 8-4.1.

(2) Notification, using certified mail, was given, at least forty-five (45) days prior to the submission of the request, to the following:

(A) An owner and, if one exists, a lessee of property within or adjacent to the land area above the ground water requested to be classified.

(B) The following city and county positions having jurisdiction within the land area above the ground water requested to be classified:

(i) Government officials.

(ii) Planners.

(iii) Health officers.

(C) Any person reasonably expected to be aggrieved or adversely affected by the classification.

(i) The commissioner may deny a request to classify ground water as impaired drinking water class ground water if the exceedance of the numeric criterion established in section 6(a) or 6(d) of this rule was caused by an unlawful action of the person seeking the classification. Notwithstanding the impaired drinking water class ground water classification, a facility, practice, or activity or a ground water contamination assessment or remediation located within the land area above the ground water classified as impaired drinking water class ground water must comply with all otherwise applicable laws, rules, and standards.

(j) The commissioner may reevaluate and change a ground water classification determination upon the receipt of new or additional information pertaining to a classification requirement. *(Water Pollution Control Board; 327 IAC 2-11-4)*

327 IAC 2-11-5 Criteria for all ground water

Authority: IC 13-18-3-1; IC 13-18-4-1; IC 13-18-4-3; IC 13-18-4-4; IC 13-18-4-5; IC 13-18-17-5

Affected: IC 13-18-4; IC 13-18-17

Sec. 5. Each class of ground water described in section 4 of this rule shall meet the following protective criteria:

(1) Ground water quality shall be maintained, at a minimum, to protect the current and reasonably expected future use of the ground water.

(2) Ground water shall be maintained and protected to ensure that a contaminant concentration attributable to human activity does not increase in a drinking water well.

(3) For waters of the state, surface water quality standards shall be met in the surface water at the ground water-surface water interface.

(Water Pollution Control Board; 327 IAC 2-11-5)

327 IAC 2-11-6 Criteria for drinking water class ground water

Authority: IC 13-18-3-1; IC 13-18-4-1; IC 13-18-4-3; IC 13-18-4-4; IC 13-18-4-5; IC 13-18-17-5

Affected: IC 13-18-4; IC 13-18-17

Sec. 6. (a) The following numeric criteria are health protective goals for untreated ground water used as drinking water and are the maximum permissible level of a contaminant in drinking water class ground water:

(1) Numeric criteria for select inorganic contaminants:

Contaminant	Criterion (mg/l unless noted)[1]
Antimony	0.006
Arsenic	0.05
Asbestos	7 MFL2
Barium	2
Beryllium	0.004
Cadmium	0.005
Chromium (total)	0.1
Combined beta/photon emitters	4 mrem/yr[3]
Cyanide (free)	0.2
Fluoride	4
Gross alpha particle activity (including radium 226 but excluding radon and uranium)	15 pCi/L[4]
Lead	0.015
Mercury (inorganic)	0.002
Nitrate (as N)	10
Nitrite (as N)	1
Radium 226 and 228 (combined)	5 pCi/L

Selenium	**0.05**
Thallium	**0.002**
Notes: **[1] mg/l is milligrams per liter.** **[2] MFL is million fibers per liter greater than 10 micrometers in length.** **[3] mrem/yr is millirems per year.** **[4] pCi/L is picocuries per liter.**	

(2) Numeric criteria for select organic contaminants:

Table 6(a)(2)
Numeric Criteria for Organic Contaminants in Drinking Water Class Ground Water

Chemical Abstract Registry Numbers	Contaminant	Criterion (mg/l unless noted)
15972-60-8	Alachlor	0.002
1912-24-9	Atrazine	0.003
71-43-2	Benzene	0.005
50-32-8	Benzo(a)pyrene	0.0002
1563-66-2	Carbofuran	0.04
56-23-5	Carbon tetrachloride	0.005
57-74-9	Chlordane	0.002
94-75-7	2,4-D	0.07
75-99-0	Dalapon	0.2
103-23-1	Di(2-ethylhexyl)adipate	0.4
96-12-8	Dibromochloropropane (DBCP)	0.0002
95-50-1	Dichlorobenzene, 1,2-	0.6
106-46-7	Dichlorobenzene, 1,4-	0.075
107-06-2	Dichloroethane, 1,2-	0.005
75-35-4	Dichloroethylene, 1,1-	0.007
156-59-2	Dichloroethylene, cis-1,2-	0.07
156-60-5	Dichloroethylene, trans-1,2-	0.1
75-09-2	Dichloromethane or methylene chloride	0.005
78-87-5	Dichloropropane, 1,2-	0.005
117-81-7	Di(2-ethylhexyl)phthalate	0.006
88-85-7	Dinoseb	0.007
85-00-7	Diquat	0.02

145-73-3	**Endothall**	**0.1**
72-20-8	**Endrin**	**0.002**
100-41-4	**Ethylbenzene**	**0.7**
106-93-4	**Ethylene dibromide (EDB)**	**0.00005**
1071-83-6	**Glyphosate**	**0.7**
76-44-8	**Heptachlor**	**0.0004**
1024-57-3	**Heptachlor epoxide**	**0.0002**
118-74-1	**Hexachlorobenzene**	**0.001**
77-47-4	**Hexachlorocyclopentadiene**	**0.05**
58-89-9	**Lindane (gamma-BHC)**	**0.0002**
72-43-5	**Methoxychlor**	**0.04**
108-90-7	**Monochlorobenzene**	**0.1**
23135-22-0	**Oxamyl (vydate)**	**0.2**
87-89-5	**Pentachlorophenol**	**0.001**
1918-02-1	**Picloram**	**0.5**
1336-36-3	**Polychlorinated biphenyls (PCBs)**	**0.0005**
122-34-9	**Simazine**	**0.004**
100-42-5	**Styrene**	**0.1**
1746-01-6	**2,3,7,8-TCDD (Dioxin)**	**0.00000003**
127-18-4	**Tetrachloroethylene**	**0.005**
108-88-3	**Toluene**	**1**
8001-35-2	**Toxaphene**	**0.003**
93-72-1	**2,4,5-TP (Silvex)**	**0.05**
120-82-1	**Trichlorobenzene, 1,2,4-**	**0.07**
71-55-6	**Trichloroethane, 1,1,1-**	**0.2**
79-00-5	**Trichloroethane, 1,1,2-**	**0.005**
79-01-6	**Trichloroethylene**	**0.005**
75-01-4	**Vinyl chloride**	**0.002**
1330-20-7	**Xylenes (total)**	**10**

(3) A drinking water class numeric criterion may be added to the criteria established in this subsection if adopted according to IC 4-22-2 and IC 13-14-9.

(b) An agency shall determine if further action is necessary to comply with the

narrative criteria established in section 5 of this rule if the following indicator levels are exceeded in drinking water class ground water:

(1) Chloride at two hundred fifty (250) milligrams per liter.

(2) Sulfate at two hundred fifty (250) milligrams per liter.

(3) Total dissolved solids at five hundred (500) milligrams per liter.

(4) Total coliform bacteria at nondetect.

(c) If the commissioner determines that a site-specific numeric criterion for a contaminant without a drinking water class numeric criterion established in subsection (a) is necessary to protect human health, any natural resource, or the environment, a risk analysis shall be used to establish a numeric criterion for that contaminant and must:

(1) receive approval from the commissioner; and

(2) be based upon appropriate toxicological data.

(d) The naturally occurring concentration of a contaminant in drinking water class ground water shall be the numeric criterion if that contaminant occurs at a concentration greater than the drinking water numeric criterion established in subsection (a) or (c) or an indicator level established in subsection (b).

(e) If drinking water class ground water at a facility, practice, or activity is determined to have one (1) or more contaminant concentrations above the numeric criteria established in this section that are not attributable to the facility, practice, or activity under consideration, an agency shall manage the facility, practice, or activity or implement programs such that:

(1) the facility, practice, or activity causes no further increase in the concentration of the contaminant determined to be above the numeric criterion established in this section; and

(2) any design standard or management requirements that apply to the facility, practice, or activity are at least as stringent as the design standard and management requirements that would be applied to a facility, practice, or activity where ground water does not have one (1) or more contaminant concentrations above the numeric criteria established in this section.

(f) The commissioner may, for a ground water contamination assessment or remediation at a facility, practice, or activity under the jurisdiction of the department of environmental management, allow an appropriate site specific, risk based numeric criterion different from the numeric criterion established in subsection (a) or (d) to be applied to drinking water class ground water within the boundary of the ground water management zone established according to section 9 of this rule. *(Water Pollution Control Board; 327 IAC 2-11-6)*

327 IAC 2-11-7 Criteria for limited class ground water

Authority: IC 13-18-3-1; IC 13-18-4-1; IC 13-18-4-3; IC 13-18-4-4; IC 13-18-4-5; IC 13-18-17-5

Affected: IC 13-18-4; IC 13-18-17

Sec. 7. (a) Limited class ground water, classified according to section 4(c) of this rule, must meet the narrative criteria established in section 5 of this rule.

(b) Limited class ground water, classified according to section 4(d) of this rule, must meet the following requirements:

(1) A contaminant attributable to activities associated with coal mining, not including the disposal of coal combustion waste at a surface coal mine under IC 14-34, must meet the greater of the following:

(A) The existing contaminant concentration.

(B) The numeric criterion established in section 6(a) of this rule.

(2) A contaminant not attributable to activities associated with coal mining, including the disposal of coal combustion waste at a surface coal mine under IC 14-34, if the contaminant concentration exceeds the concentration attributable to a coal mining activity, must meet the numeric criterion established in section 6(a) or 6(d) of this rule.

(c) Limited class ground water, classified according to section 4(e) of this rule, must meet the following requirements:

(1) A contaminant attributable to pesticides, crop nutrients, or soil amendments that have been applied for agricultural purposes and used in a manner consistent with all applicable regulatory requirements shall meet the greater of the following:

(A) The existing contaminant concentration.

(B) The numeric criterion established in section 6(a) of this rule.

(2) A contaminant not attributable to pesticides, crop nutrients, or soil amendments that have been applied for agricultural purposes and used in a manner consistent with all applicable regulatory requirements must meet the numeric criterion established in section 6(a) or 6(d) of this rule.

(d) Limited class ground water, classified according to section 4(f) of this rule, must meet the following requirements:

(1) A contaminant with a drinking water class numeric criterion established in section 6(a) of this rule must have a numeric criterion of ten (10) times the drinking water class numeric criterion established in section 6(a) of this rule.

(2) If the commissioner determines that a numeric criterion for a contaminant without a drinking water class numeric criterion established in subsection 6(a) of this rule is necessary to protect human health, any natural resource, or the environment, a risk analysis shall be used to establish a numeric criterion for that contaminant and must:

(A) receive approval from the commissioner; and

(B) be based on appropriate toxicological data.

(e) The naturally occurring concentration of a contaminant in limited class ground water shall be the numeric criterion if that contaminant occurs at a concentration greater than the limited numeric criterion established in subsection (b), (c), or (d).

(f) If limited class ground water at a facility, practice, or activity is determined to have one (1) or more contaminant concentrations above the numeric criteria established in this section that are not attributable to the facility, practice, or activity under consideration, an agency shall manage the facility, practice, or activity or implement programs such that:

(1) the facility, practice, or activity causes no further increase in the concentration

of the contaminant determined to be above the numeric criterion established in this section; and

(2) any design standard or management requirements that apply to the facility, practice, or activity are at least as stringent as the design standard and management requirements that would be applied to a facility, practice, or activity where ground water does not have one (1) or more contaminant concentrations above the numeric criteria established in this section.

(g) The commissioner may allow an appropriate site specific, risk based numeric criterion different from the numeric criterion established in this section to be applied to limited class ground water at and beyond the boundary of the ground water management zone established according to section 9 of this rule. *(Water Pollution Control Board; 327 IAC 2-11-7)*

327 IAC 2-11-8 Criteria for impaired drinking water class ground water

Authority: IC 13-18-3-1; IC 13-18-4-1; IC 13-18-4-3; IC 13-18-4-4; IC 13-18-4-5; IC 13-18-17-5

Affected: IC 13-18-4; IC 13-18-17

Sec. 8. Impaired drinking water class ground water, classified according to section 4(g) or 4(h) of this rule, shall meet the following requirements:

(1) A contaminant not identified in the classification as being in excess of the numeric criterion of section 6(a) or 6(d) of this rule shall meet the numeric criterion established in section 6(a) or 6(d) of this rule.

(2) A contaminant identified in the classification as being in excess of the numeric criterion established in section 6(a) or 6(d) of this rule shall meet the existing contaminant concentration if it is greater than the numeric criterion established in section 6(a) or 6(d) of this rule and results from a source of contamination that:

(A) was from a previously unregulated facility, practice, or activity;

(B) was discovered after those who caused the contamination abandoned the site and those who caused the contamination cannot be found; or

(C) cannot be identified due to the nature of the specific constituent.

(3) Any design standard or management requirements that apply to a facility, practice, or activity with impaired drinking water class ground water must be at least as stringent as the design standard and management requirements that would be applied to a facility, practice, or activity with drinking water class ground water.

(4) The commissioner may allow an appropriate site specific, risk based numeric criterion different from the numeric criterion established in this section to be applied to impaired drinking water class ground water at and beyond the boundary of the ground water management zone established according to section 9 of this rule. *(Water Pollution Control Board; 327 IAC 2-11-8)*

327 IAC 2-11-9 Ground water management zones

Authority: IC 13-18-3-1; IC 13-18-4-1; IC 13-18-4-3; IC 13-18-4-4; IC 13-18-4-5; IC 13-18-17-5

Affected: IC 13-18-4; IC 13-18-17

Sec. 9. (a) The criteria established in sections 5, 6, 7, and 8 of this rule must be met at and beyond the boundary of the ground water management zone.

(b) An agency, having jurisdiction over a facility, practice, or activity that is subject to the criteria of this rule, may establish an appropriate program specific or site specific three (3) dimensional ground water management zone and shall determine its boundary location and duration considering the following factors:

(1) Regulatory program requirements.
(2) Design standards.
(3) Monitoring frameworks.
(4) Hydrogeologic conditions.
(5) Risks of human exposure.
(6) Impacts to any natural resource and the environment.
(7) Property controls.
(8) Physical and chemical properties of potential contaminants.

(c) An agency, having jurisdiction over a ground water contamination assessment or remediation that is subject to the criteria of this rule, may establish an appropriate program specific or site specific three (3) dimensional ground water management zone considering the following factors:

(1) Regulatory program requirements.
(2) Type and amount of a contaminant present.
(3) Monitoring frameworks.
(4) Hydrogeologic conditions.
(5) Risks of human exposure.
(6) Impacts to any natural resource and the environment.
(7) Property controls.
(8) Expected future use of the site.
(9) Physical and chemical properties of existing contaminants.

(d) Rules adopted by an agency under IC 4-22-2 to apply the standards in this rule must include a default three (3) dimensional ground water management zone that shall apply if an agency having jurisdiction over a facility, practice, activity, or a ground water contamination assessment or remediation does not establish a program specific or site specific ground water management zone under subsection (b) or (c). The boundary of the default ground water management zone shall be located in accordance with one (1) of the following:

(1) At each drinking water well that is:
(A) within three hundred (300) feet from the edge of a potential or existing contaminant source when the property boundary is greater than three hundred (300) feet from the edge of a potential or existing contaminant source; or
(B) within the property boundary when the property boundary is less than three hundred (300) feet from the edge of a potential or existing contaminant source.
(2) The property boundary, when the property boundary is less than three hundred (300) feet from the edge of a potential or existing contaminant source, and there is no drinking water well within the property boundary.
(3) Three hundred (300) feet from the edge of a potential or existing contaminant source when the property boundary is greater than three hundred (300) feet from

the edge of a potential or existing contaminant source and there is no drinking water well within three hundred (300) feet from the edge of a potential or existing contaminant source.

(e) If overlapping ground water management zone boundaries are present at a facility, practice, activity, or ground water contamination assessment or remediation, then the agency or agencies with jurisdiction may combine them. *(Water Pollution Control Board; 327 IAC 2-11-9)*

SECTION 2. THE FOLLOWING ARE REPEALED: 327 IAC 2-1-7; 327 IAC 2-1.5-9.